

REMARKS

I. Formalities

Applicant thanks the Examiner for acknowledging the election without traverse of claims 1-17.

II. Status of the Application

By the present amendment, claims 1, 3-6, 8, and 10-13 have been amended. Claims 1 and 3-17 are all the claims pending in the present application, with claims 1, 5, 10 and 13 being in independent form.

The present amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

III. Claim Objections

The Examiner has objected to claims 1 and 5 because of minor informalities. In particular, the Examiner alleges that the phrase “detected plural times by the same sound generating means,” should be clarified. Applicant has amended claims 1 and 5, as set forth above, to delete the aforementioned phrase and, therefore, Applicant submits that the Examiner’s objections in this regard are now moot.

IV. Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 5, 7, and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,386,478 to Plunkett (hereinafter “Plunkett”). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

According to the MPEP, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131). Applicant respectfully submits that claims 1, 5, 7, and 8 positively recite limitations which are not disclosed (or suggested) by Plunkett.

A. Independent Claim 1

Independent claim 1 recites (among other things):

...wherein the frequency characteristics are
analyzed using a value obtained by multiplying
the first detection result by the second
detection result...

The grounds of rejection allege that Plunkett discloses analyzing resultant acoustic signals (i.e., multiplied values). (12/21/05 Office Action, page 4). However, Applicant submits that Plunkett fails to disclose, or even remotely suggest, the feature of wherein the frequency characteristics are analyzed using a value obtained by multiplying the first detection result by the second detection result, as recited in claim 1. In contrast to the recitations of claim 1, Plunkett discloses nothing more than that the resulted acoustic signals are analyzed. (Column 3, lines 30-32).

The grounds of rejection further allege that Plunkett discloses that microphone 36 picks up the resultant acoustic signals, which are amplified (i.e., multiplied) by circuitry in the remote control unit 34 and analyzed. (12/21/05 Office Action, page 4). However, Plunkett fails to provide any suggestion whatsoever regarding multiplying a first detection result by a second detection result. In fact, Plunkett teaches quite the opposite—that the resultant acoustic signals are merely amplified. (Column 3, lines 44-46). But, Plunkett does not provide any disclosure or

suggestion regarding the feature of analyzing the frequency characteristics of the resultant acoustic signals disclosed therein by multiplying a first detection result by a second detection result, as recited in claim 1.

However, the MPEP makes it clear that a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. (*See* MPEP §2131). In fact, the identical invention must be shown in as complete detail as contained in the claim. (*See* MPEP §2131).

Therefore, since Plunkett does not provide any disclosure or suggestion regarding the feature of analyzing the frequency characteristics of the resultant acoustic signals disclosed therein by multiplying a first detection result by a second detection result, as recited in claim 1, Applicant submits that claim 1 is not anticipated by Plunkett for *at least* these reasons. As such, Applicant respectfully requests that the Examiner withdraw this rejection.

B. Independent Claim 5

Independent claim 5 recites (among other things):

...wherein the frequency characteristics are
analyzed using a value obtained by multiplying
the first detection result by the second
detection result...

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 5. As such, it is respectfully submitted that claim 5 is patentably distinguishable over the cited Plunkett reference *at least* for reasons analogous to those presented

above. Further, Applicant submits that claims 7 and 8 are patentable over Plunkett *at least* by virtue of their dependency on independent claim 5. Thus, the allowance of these claims is respectfully solicited of the Examiner.

V. Claim Rejections under 35 U.S.C. §103

The Examiner has rejected claims 3, 4, 6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Plunkett, in view of U.S. Patent No. 5,581,621 to Koyama *et al.* (hereinafter “Koyama”). Applicant respectfully traverses these rejections for *at least* the independent reasons stated below.

In order for the Examiner to maintain a rejection under 35 U.S.C. §103, Plunkett, Koyama, or some combination thereof, must teach or suggest all of the recitations of claims 3, 4, 6 and 9. Applicant respectfully submits that neither Plunkett, Koyama, nor any combination thereof, teaches or suggests all of the recitations of claims 3, 4, 6 and 9.

Claims 3, 4, 6 and 9 incorporate all the novel and non-obvious recitations of their base claims 1 and 5, respectively. For *at least* the reasons already discussed above, Plunkett fails to teach or suggest the recitations of claims 1 and 5. Further, Koyama fails to remedy the deficient teachings of Plunkett. Therefore, Applicant submits that claims 3, 4, 6 and 9 are patentable over the cited references *at least* by virtue of their dependency on claims 1 and 5, respectively. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

VI. Claim Rejections with Respect to Claims 10-17

The Examiner has indicated that claims 10-17 “are analogous to claims 1-9 above and are rejected for the same reasons.” (12/21/05 Office Action, page 10). However, Applicant submits

that it is not clear from this statement as to which claims the Examiner has rejected under 35 U.S.C. § 102, and which claims the Examiner has rejected under 35 U.S.C. § 103. Thus, Applicant submits that the rejections of record with respect to claims 10-17 are clearly inconsistent with MPEP §706, which specifies that “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.”

Despite the ambiguity in the Examiner’s rejections, Applicant respectfully traverses the Examiner’s rejections for *at least* the reasons set forth below.

A. Independent Claim 10

Independent claim 10 recites (among other things):

...wherein the frequency characteristics are analyzed using a value obtained by multiplying the first detection result by the second detection result...

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 10. As such, it is respectfully submitted that claim 10 is patentably distinguishable over the cited references *at least* for reasons analogous to those presented above. Further, Applicant submits that claims 11 and 12 are patentable over the cited references *at least* by virtue of their dependency on independent claim 10. Thus, the allowance of these claims is respectfully solicited of the Examiner.

B. Independent Claim 13

Independent claim 13 recites (among other things):

...wherein the frequency characteristics are analyzed using a value obtained by multiplying the first detection result by the second detection result...

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 13. As such, it is respectfully submitted that claim 13 is patentably distinguishable over the cited references *at least* for reasons analogous to those presented above. Further, Applicant submits that claims 14-17 are patentable over the cited references *at least* by virtue of their dependency on independent claim 13. Thus, the allowance of these claims is respectfully solicited of the Examiner.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. Serial No. 09/781,274

Attorney Docket No.: Q62548

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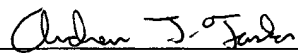
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Date: June 21, 2006